

PATENT COOPERATION TREATY

From the
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/220 (page 2)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/DE2004/001601

International filing date (day/month/year)
7/22/2004

Priority date (day/month/year)
10/17/2003

International Patent Classification (IPC) or both national classification and IPC
B60R21/01

Applicant
Robert Bosch GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/DE2004/000493

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DE2004/000493

Box No. II Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

see supplementary page

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DE2004/000493

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-6,8	YES
	Claims	1,7	NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

see supplementary page

10/574391

WRITTEN REPORT OF THE INTERNATIONAL SEARCH AUTHORITY

AP2004/001601 30 MAR 2006

(ADDENDUM)

International file No.

PCT/DE2004/001601

Item V

Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: DE 102 47 670 A (VISTEON GLOBAL TECH INC) April 30, 2003

D2: DE 101 40 119 C (BOSCH GMBH ROBERT) March 20, 2003

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of Claim 1 is not novel as defined by PCT Article 33(2).

Document D1 discloses (indications in parentheses refer to this document; see Figures) an apparatus for triggering personal protection means (20, 22, 26, 30), having a surroundings sensor suite (50) and a contact sensor suite (38), the apparatus being configured in such a way that the apparatus influences a pedestrian protection algorithm (col. 2, lines 64-68; col. 3, lines 18-21) as a function of a first signal of the surroundings sensor suite (38) (**sic**), and influences a pre-crash algorithm as a function of a second signal of the pedestrian protection algorithm that takes into account a third signal of the contact sensor suite (38), the apparatus influencing the personal protection means (20, 22, 26, 30) as a function of a fourth signal of the

pedestrian protection algorithm and a fifth signal of the pre-crash algorithm.

The features of Claim 1 are known from document D1, and the subject matter of Claim 1 is therefore not novel (PCT Article 33(2)).

- 2.1 Dependent Claims 2 to 7 contain no features that, in combination with the features of any claim to which they refer, meet PCT requirements with regard to novelty (PCT Article 33(2)) or an inventive step (PCT Article 33(3)). The reasons for this are the following:

The features of dependent Claims 2 to 7 have already been used for the same purpose in a similar apparatus (cf. document D2, paragraph [0004] to [0010] and Figures). It was therefore obvious for one skilled in the art also to use these features in an apparatus according to document D1 with corresponding effect, and thereby to arrive at an apparatus according to Claims 2 to 6.

The additional features of Claim 7 are known from document D1 (see Figures).

Consequently, the subject matter of Claims 2 to 6 is not based on an inventive step (PCT Article 33(3)), and the subject matter of Claim 7 is not novel (PCT Article 33(2)).

- 2.2 The present Application does not meet the requirements of PCT Article 33(1) because the subject matter of Claim 8 is not based on an inventive step as defined by Article 33(3).

Document D1 is regarded as the closest prior art with

respect to the subject matter of Claim 8. It discloses a use of an apparatus as defined in Claim 1 (see item 2).

The subject matter of Claim 8 therefore differs from the known application in that the apparatus provides the impact velocity for the pre-crash algorithm and for the pedestrian protection algorithm.

The object to be achieved with the present invention can thus be regarded as that of determining the crash severity.

The manner of achieving the object proposed in Claim 8 of the present invention cannot be regarded as inventive for the following reasons (PCT Article 33(3)):

With regard to the feature of providing the impact velocity, document D2 describes the same advantages as the present invention. One skilled in the art would therefore regard transfer of this feature into the use described in D1 as an ordinary action to achieve the stated object.